

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EVERARD WILLIAMS,

Plaintiff,

-against-

LKQ CORPORATION,

Defendant.

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SHIELDS, United States Magistrate Judge:

By Report and Recommendation dated December 18, 2022, this Court recommended that Defendant's motion to dismiss Plaintiff's FLSA claim and all claims against the individual defendants, Shahrooz Moreh and Michael Ketrick, be granted. (Docket Entry [13].) That Report and Recommendation was adopted by the District Court on February 1, 2023, and Defendant's motion to dismiss was granted, with prejudice and without leave to replead, with respect to Plaintiff's FLSA claim and all claims against the individual defendants. Nevertheless, Plaintiff now seeks to amend his Complaint to clarify his claims and provide additional factual support.

The proposed Amended Complaint submitted by Plaintiff, however, includes the individual defendants, Moreh and Ketrick, once again. As per the District Court's February 1, 2023 Order, Plaintiff may not bring any further claims against Moreh and Ketrick. Accordingly, Plaintiff's motion to amend his Complaint to again bring claims against Moreh and Ketrick is denied. Those defendants have been terminated from this action, with prejudice.

With respect to the claims alleged in the proposed Amended Complaint, Defendant opposes the amendment on the grounds that the defamation claim is not pled with specificity and that permitting Plaintiff to amend his Complaint will unduly prejudice Defendant. The Court disagrees with Defendant and finds that the proposed Amended Complaint complies with the

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federal pleading requirements. Moreover, in light of the rule that leave to amend should be freely granted, see Fed. R. Civ. P. 15(a)(2), as well as Plaintiff's pro se status, this Court grants Plaintiff's motion to amend with respect to the claims alleged. As stated above, however, Plaintiff may not reinstate any claims against the individual defendants, Moreh and Ketrick.

Plaintiff is directed to submit a proposed Amended Complaint consistent with this Order within two (2) weeks of the date of this Order. Defendant is directed to serve a copy of this Order on Plaintiff, and to file proof of service on the docket sheet, by April 26, 2023.

SO ORDERED.

Dated: Central Islip, New York
April 24, 2023

/s/ Anne Y. Shields
ANNE Y. SHIELDS
United States Magistrate Judge